

Chapter 6-3 Trash

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Adopted by Ordinance No. 4686. Amended by Ordinance No. 7145. Derived from Ordinance No. 3015.

6-3-1 Legislative Intent.

The purpose of this chapter is to protect the public health, safety, and welfare by regulating the accumulation and storage of trash and to prevent conditions that may create fire, health, or other safety hazards; harbor undesirable pests; or impair the aesthetic appearance of neighborhoods. The provisions of this chapter are intended to help ensure that trash is disposed of in an appropriate and timely manner, that accumulated trash materials are properly screened, and to encourage the recycling of recyclable materials by prohibiting the accumulation of such materials on properties within the city in a manner that effectively turns them into trash.

6-3-2 Definitions.

The following terms used in this chapter have the following meanings unless the context clearly indicates otherwise:

"Recyclable materials" means recyclable materials as defined in Section 6-12-2, "Definitions," B.R.C. 1981.

"Recycling agent" means a person that charges no separate fee to collect recyclable materials and collects such materials as they appear on such scheduled routes.

"Trash" means:

(a) Putrescible organic material, including, without limitation, animal or vegetable waste resulting from the preparation, cooking, and serving of food;

(b) Non-putrescible solid wastes, whether combustible or non-combustible, including, without limitation, paper, ashes, cardboard, cans, yard clippings, wood, branches, twigs, glass, rags, discarded clothes or wearing apparel of any kind;

(c) If not stored in a manner reasonably calculated to conserve materials for use on the premises, and with the minimum possible impact on nearby properties, any outdoor storage of brush, fence posts, crates, vehicle tires, vehicle bodies or parts, scrap metal, bed mattresses or springs, water heaters or other household appliances, damaged or stored or discarded furniture and other household goods or items, materials recovered from demolition, and other stored or discarded objects three feet or more in length, width, or breadth;

(d) Piles of soil or rocks, if not stored in a manner reasonably calculated to conserve such materials for use on the premises and with the minimum possible impact on nearby properties and if not maintained in a place that is not conspicuously visible from a public street, and if maintained for a period of thirty days or more following notice to the property owner or any occupant of the property;

(e) Any accumulation of gasoline or other petroleum products or liquids other than water, unless stored in a manner that prevents leakage and that is not conspicuously visible from a public street;

(f) Any materials intended to be discarded or recycled that are located in a place visible to the public, other than materials contained within appropriate trash or recycling containers; or

(g) Any accumulation of individual pieces of discarded debris, including, without limitation, bottles, cans, broken glass, cups, pieces of paper, plastic, and cardboard, visible to the public¹.

"Trash container" means a metal or other non-absorbent container equipped with a tightly fitting metal or non-absorbent lid or sealed, plastic bags, but does not include incinerators or ash pits.

"Visible to the public" means that which can be viewed from ground level by a person located on public property without taking extraordinary steps such as climbing a ladder or peering over a screening fence in order to achieve a point of vantage.

¹See Section 5-4-13, "Littering," B.R.C. 1981, for additional provisions relating to litter and littering.

Ordinance Nos. 5293 (1990); 7078 (2000); 7172 (2001).

6-3-3 Trash Accumulation Prohibited.

(a) No owner of any vacant land; occupant, owner or manager of any single-family residence; owner, manager, or operator of any multiple-family residence or private club; or owner, operator, manager, or employee of any commercial or industrial establishment shall fail to:

(1) Prevent the accumulation of trash on such property and on the public right-of-way adjacent to the property;

(2) Remove trash located on such property and on the public right-of-way adjacent to the property;

(3) Remove or repair broken or damaged windows located on such property. However, it shall be a specific defense to a violation of this provision that a person is a tenant who, under the terms of the tenancy, is not responsible for the maintenance of that property and who failed to address a particular maintenance issue for that reason;

(4) Dispose of trash frequently enough so that it does not cause any odor on the property;

(5) Remove accumulated newspapers or other periodical publications from such property when such accumulated newspapers or publications are visible to the public and remain so for a period of more than twenty-four hours. It shall be a specific defense to any alleged violation of this provision that no more than three such newspapers or periodicals were accumulated for each residential unit or each business entity located on the property and that no newspaper or periodical more than three days old is located on the property; and

(6) Sufficiently bundle or contain recyclable materials so that those materials are not scattered onto the public right-of-way or onto other properties.

(b) No owner of any property containing one or more rental dwelling units shall fail to maintain in effect a current and valid contract with a commercial trash hauler providing for the removal of accumulated trash from the property, which contract provides for trash hauling no less frequently than on a weekly basis (and that is sufficient to ensure that all trash generated during peak trash generation periods for that property is collected on at least a weekly basis).

(c) No property owner or contractor in charge of any construction site or responsible for any construction activity shall fail to:

(1) Prevent trash from being scattered onto the public right-of-way or onto other properties; and

(2) Ensure that all trash generated by construction and related activities or located on the site of construction projects is picked up at the end of each workday and placed in containers sufficient to prevent such trash from being scattered onto the public right-of-way or onto other properties.

6-3-4 Trash Containers Required.

(a) No owner or occupant of any single-family dwelling; owner or manager of any multiple-family dwelling or private club; or owner, operator, manager, or employee of any commercial or industrial establishment shall fail to provide at all times one or more trash containers on such property, of a size sufficient to accommodate the regular accumulation of trash from the property.

(b) No owner or occupant of any single-family dwelling; owner or manager of any multiple-family dwelling or private club; or owner, operator, manager, or employee of any commercial or industrial establishment shall fail to secure trash containers on the property so that they are not spilled by animals or wind or other elements.

6-3-5 Storage, Disposal and Screening of Trash.

(a) No person shall store trash except in trash containers.

(b) No person shall store or locate trash in plastic bags in alleys.

(c) No person shall store putrescible waste in plastic bags.

(d) No person shall place a trash or recycling container on the sidewalk or in the city right-of-way in such a manner as to impair or obstruct pedestrian, bicycle, or vehicular traffic. However, this provision shall not apply to trash or recycling containers placed in a public alley with the written authorization of the city manager in order to accommodate efficient collection of trash or recyclable materials.

(e) No person shall place a trash or recycling container in a front yard setback or in the public right-of-way on any day other than one on which the collection of such trash or recyclable materials is scheduled.

(f) No person shall place any refrigerator, freezer, or other unused appliance in or upon non-secured portions of a property, including, without limitation, a location awaiting trash or recycling pickup, unless all doors of such appliances are secured or removed so that children cannot be trapped within.

(g) No owner, manager, or occupant of any single-family dwelling; owner or manager of any multiple-family dwelling or private club; or owner, operator, manager, or employee of any commercial or industrial establishment shall fail to prevent any trash container on a property, or in the public right-of-way adjacent to the property from overflowing, or from becoming so full that its cover will no longer fit the container tightly.

(h) No person shall store trash in such a manner as to constitute or create a fire, health, or other safety hazard or harborage for rodents, insects or other animals.

(i) No owner or occupant of any dwelling in a MR or HR zone shall fail to screen from view from the street any trash, trash container, or recyclable materials stored on the property that such person owns or occupies. However, it shall not be a violation of this provision that a trash or recyclable materials container located in an alley is visible from a street at the point at which that street intersects the alley.

(j) Nothing in this section shall be deemed to prohibit any person from keeping building materials on any premises before

or during the period of active construction pursuant to a city building permit under Chapter 10-5, "Building Code," B.R.C. 1981, nor to prohibit any person from storing any materials used in the operation of a business located in a zone allowing such use, nor shall this section prohibit any person from maintaining building or landscaping materials on any premises during the period of active use of those materials for a building or landscaping project that does not require a building permit so long as such materials are secured or contained during periods when they are not in use and the building or landscaping project for which such materials are being utilized is completed within fourteen days.

6-3-6 Compost Piles Permitted if not Nuisance.

(a) The occupant or owner of any single-family residence and the owner, manager, or operator of any multiple-family residence or private club may maintain compost piles that are separated areas containing alternate layers of plant refuse materials and soil maintained to facilitate decomposition and produce organic material to be used as a soil conditioner.

(b) No occupant or owner of any single-family residence or owner, manager, or operator of any multiple-family residence or private club shall fail to prevent a compost pile from becoming a nuisance by putrefying or attracting mammals.

6-3-7 City Manager May Require Property Occupant or Owner to Remove Trash or Compost.

(a) If the city manager finds that any trash or compost exists on any property in violation of this chapter, the manager may, in addition to any other action permitted under this code, request that an owner, occupant, manager, operator, or employee responsible for compliance comply with the requirements of this chapter.

(b) The city manager may notify the owner and the occupant, manager, operator, employee or other person responsible for compliance that a violation of the provisions of this chapter is occurring on property for which that person has responsibility. Such notice shall specify a time within which corrections shall be made. Notice under this subsection is sufficient if it is hand delivered or deposited in the mail first class to the last known owner of the property on the records of the Boulder County Assessor and to the last known address of the occupant, manager, operator, or employee responsible for compliance.

(c) If the violation is not corrected as required by the notice prescribed by subsection (b) of this section, the city manager may correct the violation by removing the trash or compost and thereafter charge the cost thereof, plus additional administrative costs not to exceed \$100.00, to the property owner. A copy of such charge shall be mailed to any other person given notice pursuant to subsection (b) of this section.

(d) If any property owner fails or refuses to pay when due any charge imposed under this section, the city manager may, in addition to taking other collection remedies, certify due and unpaid charges, including interest, to the Boulder County Treasurer to be levied against the person's property for collection by the county in the same manner as delinquent general taxes upon such property are collected as provided by Section 2-2-12, "City Manager May Certify Taxes, Charges, and Assessments to County Treasurer for Collection," B.R.C. 1981.

(e) It is a specific defense to a charge of violating any of the provisions of this chapter relating to the accumulation of trash that such accumulation existed for twelve hours or less and that the person asserting the specific defense took affirmative steps to eliminate the accumulated trash as soon as he or she became aware of the existence of the accumulation.

6-3-8 Special Trash Service Requirements on Certain Residential Rental Properties at Certain Times.

(a) The city manager may, by regulation, designate a period of times of up to sixteen consecutive days in the second quarter of the calendar year, and up to thirty-five consecutive days in the third quarter of the calendar year, as the periods during which this section is in effect in the special trash service zone.

(b) The special trash service zone constitutes the area included within Ninth Street, Baseline Road, Broadway, and Arapahoe Avenue, and the area included within Fifteenth Street, Folsom Avenue, Arapahoe Avenue, and Canyon

Boulevard.

(c) Within the special trash service zone and during a designated period, no owner of property required to be licensed by Section 10-3-2, "Rental License Required Prior to Occupancy and License Exemptions," B.R.C. 1981, shall fail to maintain in effect a current and valid contract with a commercial trash hauler providing for the removal of accumulated trash from the property, which contract provides for trash hauling:

(1) The hauler will check the regular trash containers for the property every day, excluding Sundays and holidays.

(2) Any trash container which is full Monday through Friday will be emptied by the hauler. On Saturdays, containers will be emptied if more than half full.

(3) Any trash which is on the ground or otherwise near the container is picked up by the hauler.

(d) Compliance with this section shall constitute a specific defense to a charge of violation of paragraph 6-3-3(a)(1), or (2) and/or subsections 6-3-5(a) or (g), B.R.C. 1981, concerning the storage of trash.

(e) It shall be a specific defense to a charge of violation of this section that trash hauling service meeting the requirements of this section was not commercially available. This defense shall not apply if the asserted unavailability was due to refusal by a commercial hauler to deal based on legitimate business reasons concerning the property owner, including, without limitation, being in arrears on payments or refusing to sign a commercially reasonable contract.

Ordinance Nos. 7078 (2000); 7273 (2003).

6-3-9 Defenses.

(a) It is a specific defense to a charge of violating Section 6-3-4, "Trash Containers Required," B.R.C. 1981, that the materials were recyclable materials set out in the vicinity of the curb for collection by a recycling agent and that they were securely bundled or otherwise securely contained so that they would not be scattered by the wind.

(b) It is a specific defense to a charge of violating Subsection 6-3-5(b), B.R.C. 1981, that the trash or recyclables were stored for a period of no more than twelve hours on the day of a regularly scheduled collection from the premises or that the trash was grass clippings stored for a period of no more than one week preceding the time of the regularly scheduled collection from the premises.

(c) It is a specific defense to a charge of violating Section Section 6-3-5, "Storage, Disposal and Screening of Trash," B.R.C. 1981, that the trash was set out for collection by the city during an annual or other specially scheduled refuse collection program, and that the trash was of the sort eligible for such collection in accordance with the city's publicized standards for such collection, but only if the trash is set out in the vicinity of the curb for no more than one week before the scheduled collection date and is so contained such that it cannot be, and is not, carried onto other properties by the elements or by animals.

6-3-10 Hazardous Waste Disposal.

No person exempt from regulation of hazardous waste disposal under state law¹ shall bury any hazardous waste (as defined by state law²) upon property in the city or owned by the city.

125-15-101(3), C.R.S.

225-15-101(6), C.R.S.

6-3-11 City Manager Authorized to Issue Rules.

The city manager may adopt rules and regulations that the manager determines are reasonably necessary to implement the requirements of this chapter.

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